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10/775,954	02/11/2004	Christina Moschella	2255.0010001/DRB	1663

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/775,954
Filing Date: February 11, 2004
Appellant(s): MOSCHELLA, CHRISTINA

MAILED

OCT 10 2006

GROUP 3600

Donald Banowit
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/17/06 appealing from the Office action
mailed 6/14/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,499,793	Salansky	3-1996
6,188,450	Coons	2-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1,7-11 and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coons in view of Salansky.

Coons discloses a privacy shade 21 attached to the top of a monitor and is designed specifically for blocking unwanted viewing of the screen and can be flipped on top of the monitor or rolled up when not in use, column 4, lines 30-35.

Salansky discloses the use of hook and loop fasteners or adhesive, column 5, lines 5-13, for attaching computer accessories to the computer monitor. In view of this teaching, it would have been obvious to use such fasteners to attach the cover 21 of Coons to the monitor, either directly or through further attachment to covers 16a,16b.

The material of the shade is clearly an obvious choice, with synthetic, natural cotton, or a blend thereof being well known fabrics usable for their inherent advantages. The location of the hook and loop fasteners is also an obvious design choice dictated by providing adequate support.

(10) Response to Argument

Coons discloses a privacy shade 21 attached to a computer monitor by way of being attached to a cover comprised of sides 16a and 16b and additional straps, column 3, lines 17-21. Salansky provides a computer monitor mounted accessory that it held in position via hook and loop fasteners. The Examiner proposes providing Coons with such hook and loop to further mount the Coons structure to the monitor, as suggested by Salansky. Appellant presents, as his main argument, that the privacy shade 21 in Coons is not "attached to the top portion of the computer monitor" since it is

mounted to the monitor via the cover portion 16a,16b. However, the Examiner states that the cover 21 is considered "attached to the top portion of the computer monitor" when the sides 16a,16b, are strapped to the monitor such that the shade 21 is located on the top portion. In other words, the "attachment" is carried out by the side portions, with securing means of hook and loop, provided by Salansky. Put another way, by placing the cover 16a,16b, and 21 on the monitor via hook and loop, the shade 21 is "attached" to the top portion of the monitor. It is also noted that the side portions 16a,16b, along with 21 may be considered the "privacy shade" since all three components comprise flexible material. The "top portion" of the monitor may be considered any portion of the monitor from the middle up. Alternatively, the Examiner has maintained that the shade 21 may be attached directly to the top of the monitor without the need of sides 16a,16b, (see final rejection: "**either directly** or through further attachment to covers 16a,16b"). Expanding on this, one of ordinary skill in the art, wishing to provide a privacy shade for a computer monitor and having knowledge of Coons, would clearly and simply take the shade 21 and attach it to the top of a computer alone, without the remaining cover structure. It is interesting to note that Appellant argues, on page 15, in support of dependent claims, that the prior art does not teach **direct attachment** of the shade to the monitor, as recited in dependent claims. This clearly indicates that the attachment recited in independent claims 1 and 11 is not direct. Otherwise, why argue that the dependent claims supply this additional limitation, i.e. "direct attachment" if it has already been argued that the independent claims make such a recitation? Also of note, Appellant alleges that hook and loop fasteners would

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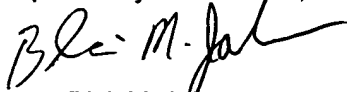
not be adequate in mounting the cover and shade of Coons. However, this is clearly conjecture and hook and loop fasteners of extreme strength are well known. Regarding Salansky, a detailed discussion is presented by Appellant. However, since Salansky is cited merely to teach the use of hook and loop fasteners in mounting a computer accessory to a computer monitor, this issue is simple and adequately addressed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Blair M. Johnson
Primary Examiner

Conferees:

Richard Chilcot

Peter Cuomo

